Remarks

Claims 31-56 are pending and in condition for allowance.

It would appear that no further action or comments are required at the present time regarding the election of Species 1.

Applicants acknowledge the Examiner's objection to the Figures. With respect to Figures 3a, 3b, and 3c, these Figures are considered proper in that they each show separate parts 31, 32 and 33, in disassembled form, prior to being assembled at the time of use. Similarly Figure 6c shows disassembled parts 74, 76 and 78 that are also assembled at the time of use, and also in the manner described in the corresponding specification. Applicants respectfully point out that Figures 12 and 13 are appropriate as filed, and that no extraneous matter such as "SIDE PLAN VIEW," "SECTION VIEW," or "FRONT PLAN VIEW" are included within these Figures.

In turn, the objection to the disclosure is rendered moot by the accompanying amendment to the description of Figure 3. Applicants respectfully point out that the remaining Figures were described in the Brief Description of the Drawing section in the application as filed.

With respect to the nonstatutory type double patenting rejection, this rejection is rendered moot by the terminal disclaimer pursuant to 37 CFR 1.321(c) attached with this response.

The rejections under Section 102 and 103, will be addressed together, since both rely solely on Averill, et al., and both are respectfully traversed. The reference describes a total knee prosthesis, as compared to an interpositional implant. In turn, the reference fails entirely to teach or describe *any* of the various limitations presently claimed, *particularly* including the fact that it fails to provide a first surface that is itself placed in apposition to supporting bone, in the form of the natural tibia, and a second surface that is itself placed in apposition to opposing bone, in the

form of the natural femoral condyle. The various surfaces of the member 16 of Averill, et al., would instead be positioned within and in apposition to the various other components and aspects of the overall prosthesis.

In light of the above clarification regarding a "system" of this invention, it is hoped that the disparities between the total knee device of Averill et al. and the far less invasive implant for interpositional arthroplasty of the present invention, will become more readily apparent.

In view of the above remarks, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all rejections is respectfully requested.

Respectfully submitted,

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